

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>	<b>GRANT NUMBER (FAIN): 00295593</b>		<b>DATE OF AWARD</b> 11/12/2004
		<b>MODIFICATION NUMBER: 6</b>		<b>MAILING DATE</b> 11/23/2004
		<b>PROGRAM CODE: V</b>		<b>ACH#</b>
		<b>TYPE OF ACTION</b> No Cost Amendment		<b>PAYMENT METHOD:</b> Reimbursement
<b>RECIPIENT TYPE:</b> Indian Tribe		<b>Send Payment Request to:</b> Region 2 Financial Mgt. Branch		
<b>RECIPIENT:</b> Saint Regis Mohawk Tribe 412 State Route 37 Akwasasne, NY 13655 EIN: 16-1007650		<b>PAYEE:</b> Saint Regis Mohawk Tribe 412 State Route 37 Akwasasne, NY 13655		
<b>PROJECT MANAGER</b> Ken Jock 412 State Route 37 Akwasasne, NY 13655 E-Mail: Phone: 518-358-5937		<b>EPA PROJECT OFFICER</b> Joel Singerman 290 Broadway, ERD/NYRB/CNYR New York, NY 10007-1866 E-Mail: Singerman.Joel@epa.gov Phone: 212-637-4258		<b>EPA GRANT SPECIALIST</b> Carol Hemington Grants and Contracts Mgt. Branch, OPM/GCMB E-Mail: Hemington.Carol@epamail.epa.gov Phone: 212-637-3420
<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> St. Regis Mohawk Tribe General Motors Site Support Agency Assistance The Cooperative Agreement is revised as follows; the project period and budget period expiration dates are extended to September 30, 2005; funding is revised between the four budgets included in the Agreement; and, the Terms and Conditions are updated. These revisions are in accordance with the letter dated September 12, 2003 and the E-mails dated September 8, 2004 and September 9, 2004, all from the Environment Director Ken Jock. There is no increase in Federal funds. See Budget Tables for amounts approved for each activity and Operable Unit.				
<b>BUDGET PERIOD</b> 10/01/1995 - 09/30/2005	<b>PROJECT PERIOD</b> 10/01/1995 - 09/30/2005	<b>TOTAL BUDGET PERIOD COST</b> \$883,063.00	<b>TOTAL PROJECT PERIOD COST</b> \$883,063.00	
<b>NOTICE OF AWARD</b>				
Based on your Application dated 09/13/2003 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$883,063. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>		<b>AWARD APPROVAL OFFICE</b>		
<b>ORGANIZATION / ADDRESS</b> Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866		<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 2 Emergency and Remedial Response Division 290 Broadway New York, NY 10007-1866		
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>				
<b>Digital signature applied by EPA Award Official</b> Donna J. Vizan - Assistant Regional Administrator for Policy and Management				<b>DATE</b> 11/12/2004

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 883,063	\$	\$ 883,063
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 883,063	\$ 0	\$ 883,063

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Superfund State Political Subdivision and Indian Tribe Site Specific Cooperative Agreements	CERCLA: Sec. 104(d)(1)	40 CFR PTS 31 & 35 SUBPT O

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Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
RD OU#1	HE0166	1998	T	2AH0J	FAX	4185	02A6MA02	C001	35,158
RA OU#1	HE0175	1998	T	2AH0J	FAX	4185	02A6MA02	C001	-23,923
RA OU#1	HE0279	2000	T	2AH0P	50102D	4185	02A6MA01	C002	-4,611
RD OU#2	HE0173	1998	T	2AH0J	FAX	4185	02A6MA02	C001	7,320
RA OU#2	HE0174	1998	T	2AH0J	FAX	4185	02A6MA02	C001	-13,944

## Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$274,664
2. Fringe Benefits	\$88,088
3. Travel	\$21,402
4. Equipment	\$27,444
5. Supplies	\$16,903
6. Contractual	\$352,346
7. Construction	\$0
8. Other	\$18,866
9. Total Direct Charges	\$799,713
10. Indirect Costs: % Base	\$83,350
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$883,063
12. Total Approved Assistance Amount	\$883,063
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$
15. Total EPA Amount Awarded To Date	\$

## OU#1 RD SAA

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$142,137
2. Fringe Benefits	\$44,361
3. Travel	\$11,256
4. Equipment	\$8,872
5. Supplies	\$5,015
6. Contractual	\$114,577
7. Construction	\$0
8. Other	\$6,763
9. Total Direct Charges	\$332,981
10. Indirect Costs	\$43,824
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$376,805
12. Total Approved Assistance Amount	\$376,805
13. Program Income	\$0

## OU#1 RA SAA

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$21,190
2. Fringe Benefits	\$9,054
3. Travel	\$2,677
4. Equipment	\$7,574
5. Supplies	\$9,304
6. Contractual	\$42,487
7. Construction	\$0
8. Other	\$1,644
9. Total Direct Charges	\$93,930
10. Indirect Costs	\$7,907
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$101,837
12. Total Approved Assistance Amount	\$101,837
13. Program Income	\$0

OU#2 RD SAA

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$75,059
2. Fringe Benefits	\$20,866
3. Travel	\$5,946
4. Equipment	\$5,499
5. Supplies	\$1,284
6. Contractual	\$173,821
7. Construction	\$0
8. Other	\$7,282
9. Total Direct Charges	\$289,757
10. Indirect Costs	\$22,050
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$311,807
12. Total Approved Assistance Amount	\$311,807
13. Program Income	\$0

OU#2 RA SAA

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$36,278
2. Fringe Benefits	\$13,807
3. Travel	\$1,523
4. Equipment	\$5,499
5. Supplies	\$1,300
6. Contractual	\$21,461
7. Construction	\$0
8. Other	\$3,177
9. Total Direct Charges	\$83,045
10. Indirect Costs	\$9,569
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$92,614
12. Total Approved Assistance Amount	\$92,614
13. Program Income	\$0

## **Administrative Conditions**

### a. GENERAL CONDITION

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this agreement, in accordance with all applicable provisions of 40 CFR Chapter 1, Subchapter B. The recipient warrants, represents, and agrees that it, and all its contractors, employees and representatives, will comply with all applicable provisions of 40 CFR Chapter 1, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of 40 CFR Part 35 Subpart O.

### b. TERMS AND CONDITIONS

All Terms and Conditions included or referenced in Amendment No. V00295593-5 remain in effect and are incorporated by reference herein, with the following exceptions:

Condition No. 11, "USE OF RECYCLED PAPER," is hereby deleted and is replaced with the following updated version:

#### 11. RECYCLED PAPER

In accordance with EPA Order 1000.25 and Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. Please note that Section 901 of E.O. 13101, dated September 14, 1998, revoked E.O. 12873, *Federal Acquisition, Recycling, and Waste Prevention* in its entirety.

Condition No. 22, "PURCHASE OF PRODUCTS CONTAINING RECYCLED MATERIALS (RCRA)," is hereby deleted and is replaced with the following updated version:

#### 22. PURCHASE OF PRODUCTS CONTAINING RECYCLED MATERIALS

Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

The following condition is added:

#### 27. NEW RESTRICTIONS ON LOBBYING

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms

shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.